Remarks/Arguments

Claims 1-3, 7, 9-15, 18-22 and 24-33 are now pending in this application. In the May 17, 2007 Office Action, Claims 1-3, 7, 9-15, 18-22, and 24-33 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 2 and 14 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-3, 12-17, 22-28 and 32-34 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Burnett, U.S. Patent Application Publication No. 2002/0087408, (hereinafter "*Burnett*"). Claims 7, 9-11, 18-21, and 29-31 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Burnett* in view of Williams, et al., U.S. Patent No. 5,977,964, (hereinafter "*Williams*") in view of Lawrence, et al., U.S. Patent No. 6,738,780, (hereinafter "*Lawrence*").

By this amendment, no claims have been cancelled or added. Claims 1, 13, 24, and 31 have been amended. Following entry of this amendment, claims 1-3, 7, 9-15, 18-22 and 24-33 will be pending in the present application. For the reasons set forth below, the Applicant respectfully requests reconsideration and immediate allowance of this application.

Claim Rejection Under 35 U.S.C. § 101

In the May 17, 2007 Office Action, claims 1-3 7, 9-15, 18-22, and 24-33 were rejected under 35 U.S.C. § 101. The Office Action alleges that the claimed invention is directed to non-statutory subject matter.

Claim 1 has been amended to recite a "computer-implemented method." It is respectfully submitted that a computer-implemented method is statutory subject matter and fully complies with 35 U.S.C. § 101. Further, claims 1, 13, and 24 have been amended to recite "to generate a set of suggested services." The set of suggested services which, in exemplary embodiments, may be provided to the customer to select and purchase those services is a concrete and tangible result of claims 1,13, and 24.

Accordingly, it is respectfully submitted that claims 1, 13, and 24 fully comply with 35 U.S.C. § 101. Further, claims 2-3, 7, and 9-12, which depend from claim 1, claims 14-15 and 18-22, which depend from claim 13, and claims 25-33, which depend from claim 24, also

comply with 35 U.S.C. § 101. Withdrawal of the claim rejections under 35 U.S.C. § 101 is respectfully requested.

Claim Rejections Under 35 U.S.C. § 112

In the May 17, 2007 Office Action, claims 2 and 14 were rejected under 35 U.S.C. § 112, second paragraph. The Office Action alleges that the recitations "determining at least one generic service" and "determining the at least one offered service" renders the output of the claims vague and indefinite. In particular, the Office Action alleges that claims 2 and 24 should make clear what would happen if the generic service is not related to a keyword. The rejection is respectfully traversed.

Claim 2 provides a recitation, "determining at least one generic service related to the at least one keyword." Claim 14 provides a recitation, "logic configured to determine at least one generic service related to the at least one keyword." The scope of these recitations is clear and definite under 35 U.S.C. § 112, second paragraph. As an example, the instant specification at p. 27, lines 6-8 describes two generic services, "Anti-Virus" and "Firewall," which are related to the "deleted_files_001" keyword. Further, the instant specification at p. 28, lines 11-15 describes two generic services "Firewall" and "Web-Content Firewall Filtering," which are related to the "JavascriptDream04W" keyword.

Claim 2 provides a further recitation, "determining the at least one offered service based on the at least one generic service." Claim 14 provides a further recitation, "logic configured to determine the at least one offered service based on the at least one generic service." The scope of these recitations is also clear and definite under 35 U.S.C. § 112, second paragraph. As an example, the instant specification at p. 30, lines 21-29 describes five offered services which are determined based on the three generic services, "Anti-Virus," "Firewall," and "Web-Content Firewall Filtering."

The Office Action asks the question, "what would happen if the 'generic service' was not related to the keyword?" (Office Action at p. 3-4). Claims 2 and 14, however, are not concerned with generic services that are not related to the keyword. As such, "what would happen if the 'generic service' was not related to the keyword" is irrelevant to the scope of claims 2 and 14.

The legal standard for definiteness is whether a claim reasonably apprises those of skill in the art of its scope. *In re Warmerdam*, 33 F.3d 1354, 1361, 31 USPQ2d 1754, 1759 (Fed. Cir.

1994). In light of the above, it is respectfully submitted that the recited features of claims 2 and 14 are sufficiently defined and would reasonably apprise those skilled in the art of the scope of those features. As such, withdrawal of the rejection of claims 2 and 14 under 35 U.S.C. § 112, second paragraph is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102(e)

In the May 17, 2007 Office Action, claims 1-3, 12-17, 22-28 and 32-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Burnett*. The rejections are respectfully traversed.

Claim 1

Claim 1 recites, *inter alia*, "obtaining at least one keyword resulting from searching the database." Regarding the recited portion of claim 1, the Office Action relies on *Burnett* at [0015]-[0017] and paragraph [0019]. However, none of the recited portions of *Burnett* teach or suggest obtaining a keyword resulting from searching the database. Instead, the recited portions of *Burnett* teach using a user-provided keyword for searching a database to obtain links to web pages related to the user-provided keyword.

Burnett at [0015] teaches about search engines, such as GOOGLE and ALTA VISTA: "These search engines accept a keyword from the intending consumer and then return a list of websites that contain the keyword...." That is, *Burnett* at [0015] discloses that a user enters a keyword into a search engine to obtain a list websites. The keyword taught by *Burnett* at [0015] is user-provided and is not obtained by searching the database. As such, *Burnett* at [0015] does not teach "obtaining at least one keyword resulting from searching the database," as recited in claim 1.

Burnett at [0016] talks about web directories, such as YAHOO and LOOKSMART: "Some systems support keyword searching across all pages and some provide a keyword search which is restricted to a subset of pages." Like search engines, web directories provide a window whereby a user can provide a keyword and search for results related to the user-provided keyword. The keyword disclosed by *Burnett* at [0016] is user-provided and is not obtained by searching the database. As such, *Burnett* at [0016] does not teach "obtaining at least one keyword resulting from searching the database," as recited in claim 1.

Burnett at [0017] describes product specific comparison sites, such as DRIVE.COM.AU, REALESTATE.COM.AU, and PROPERTY.COM.AU. Like search engines, the product specific comparison sites provide a window whereby a user can provide a keyword and search for results related to the user-provided keyword. For example, a quick glance at DRIVE.COM.AU shows that a user can input a keyword, such as "TOYOTA," and the DRIVE.COM.AU website outputs a plurality of links to pages within DRIVE.COM.AU that review and test TOYOTA brand cars. The keyword disclosed by *Burnett* at [0017] is user-provided and is not obtained by searching the database. As such, *Burnett* at [0017] does not teach "obtaining at least one keyword resulting from searching the database," as recited in claim 1.

Burnett at [0019] states that "[t]he majority of existing Internet based product search systems rely on some form of keyword matching to locate possible products." *Burnett* at [0020]-[0023] states that problems with locating relevant products based on user-provided keywords. The keyword disclosed by *Burnett* at [0019] is user-provided and is not obtained by searching the database. As such, *Burnett* at [0019] does not teach "obtaining at least one keyword resulting from searching the database," as recited in claim 1.

Claim 1 recites, *inter alia*, "determining at least one offered service associated with the at least one keyword, the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service." The Office Action relies on *Burnett* at [0015]-[0017], [0019], [0352]-[0353], and [0364]. As described above, *Burnett* [0015]-[0017] and [0019] discloses using a user-provided keyword to obtain links to web pages related to the user-provided keyword. Nothing in *Burnett* at [0015]-[0017] and [0019] teaches that the obtained links to web pages are "associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service," as recited in claim 1.

Burnett at [0352] describes extending the smart indexing system "to support sets of keywords from multiple sources or contexts." *Burnett* at [0353] describes the inclusion of counters in the database. In particular, each time an [alternate-valid] identifier combination is used, a counter associated with that alternate-valid identifier combination is incremented. This "allows the [alternate-valid identifier] combinations to be weighted, so that the list of possible

identifiers presented to the user can be ordered." As described in *Burnett* at [0312], "[i]n the case of a business directory, the valid identifiers would be the actual categories used by the directory and the alternative identifiers would be the `synonyms` for these categories." *Burnett* at [0364] reiterates that the smart indexing system includes the "[a]bility to incorporate use counters to assist with ranking of likely valid identifiers."

The recited portions of *Burnett* do not teach or suggest at least one offered service that is associated with "a technical weighting indicating a technical relevance of the at least one offered service" or "a preference weighting indicating a provider preference of the at least one offered service." While the counters are described in *Burnett* as a type of weighting, they are simply use counters that count the number of times an alternate-valid identifier is used, which is entirely unrelated to either a "technical weighting" or a "preference weighting." Even assuming, *arguendo*, that the counters teach either the "technical weighting" or the "preference weighting," the counters clearly cannot teach both types of weightings. As such, *Burnett* does not teach or suggest "determining at least one offered service associated with the at least one keyword, the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service."

Claim 1 recites, *inter alia*, "determining a weighted value associated with the at least one offered service based on the associated technical weighting and the associated preference weighting." The Office Action relies on *Burnett* at [0015]-[0017], [0019], [0162], [0352]-[0353], and [0364]. *Burnett* at [0015]-[0017], [0019], [0352]-[0353], and [0364] were described above. *Burnett* at [0162] discloses that "[t]he ranking of each of the database records in the Results List can be controlled by the user selecting an attribute and then specifying ascending or descending order." Nothing in the recited portions of *Burnett* teaches or suggests an offered service associated with "a technical weighting indicating a technical relevance of the at least one offered service" or "a preference weighting indicating a provider preference of the at least one offered service." It follows, therefore, that nothing in the recited portions of *Burnett* teaches or suggests "determining a weighted value associated with the at least one offered service based on the associated technical weighting and the associated preference weighting," as recited in claim 1.

Accordingly, *Burnett* does not teach, suggest, or describe each recitation of independent claim 1. The Applicant further submits that claims 2-3, 7, and 9-12 are also patentable because they contain recitations not taught by *Burnett* and because these claims depend from an allowable independent claim. The Applicant respectfully submits that claims 2-3, 7, and 9-12 are in condition for immediate allowance.

Claim 13

Claim 13 recites, *inter alia*, "logic configured to obtain at least one keyword resulting from the search." The Office Action relies on *Burnett* at [0015]-[0017] and [0019]. As described above with reference to claim 1, *Burnett* at [0015]-[0017] and [0019] describes the use of user-provided keywords in search engines, web directories, product specific search and comparison websites, and Internet based product search systems to obtain a list of web pages related to the user-provided keywords. As such, *Burnett* does not teach or suggest "logic configured to obtain at least one keyword resulting from the search," as recited in claim 13.

Claim 13 recites, *inter alia*, "logic configured to determine at least one offered service associated with the at least one keyword, the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service." The Office Action relies on *Burnett* at [0015]-[0017] and [0019]. As described above with reference to claim 1, *Burnett* at [0015]-[0017] and [0019] discloses the use of user-provided keywords in search engines, web directories, product specific search and comparison websites, and Internet based product search systems to obtain a list of web pages related to the user-provided keywords. The recited portions of *Burnett* provide no teaching whatsoever of an offered service associated with "a technical weighting indicating a technical relevance of the at least one offered" or "a preference weighting indicating a provider preference of the at least one offered service." As such, the recited portions of *Burnett* do not teach or suggest "logic configured to determine at least one offered service associated with the at least one keyword, the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service," as recited in claim 13.

Claim 13 recites, *inter alia*, "logic configured to determine a weighted value associated with the at least one offered service based on the associated technical weighting and the associated preference weighting." The Office Action relies on *Burnett* at [0352]-[0353]. As described above with reference to claim 1, *Burnett* at [0352]-[0353] discloses use counters, which count the number of times an alternate-valid identifier is used. While the counters are described in *Burnett* as a type of weighting, they are simply use counters that count the number of times an alternate-valid identifier is used, which is entirely unrelated to either a "technical weighting" or a "preference weighting." Even assuming, *arguendo*, that the counters disclose either the "technical weighting" or the "preference weighting," the counters clearly cannot teach both types of weightings. As such, *Burnett* does not teach or suggest "logic configured to determine a weighted value associated with the at least one offered service based on the associated technical weighting and the associated preference weighting, as recited in claim 13.

Accordingly, *Burnett* does not teach, suggest, or describe each recitation of independent claim 13. The Applicant further submits that claims 14-15 and 18-22 are also patentable because they contain recitations not taught by *Burnett* and because these claims depend from an allowable independent claim. The Applicant respectfully submits that claims 14-15 and 18-22 are in condition for immediate allowance.

Claim 24

Claim 24 recites, *inter alia*, "a cycler configured to search through a database to match user input with sales information in the database and to provide at least one keyword resulting from the search." The Office Action relies on *Burnett* at [0001]-[0002], [0035], [0039], [0042]-[0043], and [0052]. The recited portions of *Burnett* disclose a search process whereby commodity products are returned as a result of the search. *Burnett* at [0038] defines a search result as "relating to those of said records including products meeting said product identification fields and available within a boundary determined by said distances value of said preferred geographical location." That is, the commodity products are determined by performing the search process based on a product identification field and their availability within a preferred geographical location.

In light of the above, the Office Action appears to contend that the commodity products taught by *Burnett* anticipate the claimed "keywords." However, while *Burnett* discloses that the

commodity products may be determined as a result of a search, *Burnett* does not teach that those products are used by a service suggestion analyzer configured to "determine at least one offered service associated with the" products, among other recitations of claim 24. Instead, *Burnett* states that the products determined by the search are the products offered to the consumer. For example, *Burnett* at [0039] states "an output display means for displaying said search result to said user."

Claim 24 recites, *inter alia*, a service suggestion analyzer configured to "determine at least one offered service associated with the at least one keyword, the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service." The Office Action relies on *Burnett* at [0015]-[0017], [0019], [0162], [0352]-[0353], and [0364], which were described above in detail with reference to claim 1. Nothing in the recited portions of *Burnett* teach or suggest an offered service that is associated with "a technical weighting indicating a technical relevance of the at least one offered service" or "a preference weighting indicating a provider preference of the at least one offered service," as recited in claim 24.

Claim 24 recites, *inter alia*, a service suggestion analyzer configured to "determine a weighted value associated with the at least one offered service based on the associated technical weighting and the associated preference weighting." Because *Burnett* does not teach or suggest the claimed "technical weighting" or "preference weighting," it follows that *Burnett* does not teach or suggest "determine a weighted value associated with the at least one offered service based on the associated technical weighting and the associated preference weighting," as recited in claim 24.

Accordingly, *Burnett* does not teach, suggest, or describe each recitation of independent claim 24. The Applicant further submits that claims 25-33 are also patentable because they contain recitations not taught by *Burnett* and because these claims depend from an allowable independent claim. The Applicant respectfully submits that claims 25-33 are in condition for immediate allowance.

Claim Rejections Under 35 U.S.C. § 103(a)

In the May 17, 2007 Office Action, claims 7, 9-11, 18-21, and 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Burnett* in view of *Williams*, and in further view of *Lawrence*. For at least the reasons provided above with respect to claims 1, 13, and 24 and since neither *Williams* nor *Lawrence* cures the above-identified deficiencies of *Burnett*, the Applicant respectfully submits that claims 7, 9-11, 18-21, and 29-31 are allowable over the combined teaching of *Burnett*, *Williams*, and *Lawrence*.

Conclusion

In view of the foregoing amendment and remarks, the Applicant respectfully submits that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the Applicant's undersigned attorney at the number below.

Respectfully submitted,

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